

Remarks

The Examiner has rejected Claims 1, 2 and 4 under 35 U.S.C. 102(b) as being anticipated by US 4,635,761 to Smith et al., and Claims 3, 5-10 under 35 U.S.C. 103(a) over Smith et al. in view of US 4,163,481 to Schoch or US 4,633,978 to Hoff. Claim 1 has been amended and new Claims 11-14 have also been added. Paragraphs [00017] and [00020] and Figure 3 have been amended.

Claim 1 has been amended to more clearly define the brake mechanism as a service brake mechanism. Entry of the Amendment, and favorable consideration thereof is earnestly requested.

The present invention, as defined by amended Claim 1, discloses a modular disc brake having a service brake mechanism and modules in form of a frame, a house for a service brake mechanism and a cover and the frame has a recess to receive the house.

The patent to Smith et al. is directed to a parking brake cartridge attached to a disc brake where the parking brake actuating mechanism is housed within the parking brake cartridge such that the parking cartridge housing is easily assembled and removed so that the parking actuator mechanism may be handled as a unit. The Smith parking brake is meant to be a separate, removable unit from the service brake. It does not anticipate a modular disc brake having modules in form of a frame, a housing for a service brake actuator and a cover where the frame has a recess to receive the housing. Further, there is no disclosure, teaching or suggestion that a service brake mechanism be housed in a modular housing which is received in a recess of a modular frame.

In fact, combining the teaching of the present invention with the parking brake cartridge of Smith et al. could simply result in a modular disc brake as defined by

amended Claim 1 further having a separate parking brake cartridge. Further, there is no motivation to integrate the parking brake cartridge of Smith et al into the house of the present invention, as it defeats the stated purpose of Smith et al., that the parking brake be separate. Accordingly, Applicant respectfully submits that Claims 1-10 are in condition for allowance.

New Claim 11 includes the limitation that the house also receives the lever of the brake mechanism. No new matter is added by the Claim as it is illustrated in Figure 3 and described in paragraph [00017] of the specification. Paragraph [00017] has also been amended to more clearly describe how Figure 3 illustrates the lever of the brake mechanism being also enclosed by the house. New independent Claim 13 includes the limitations of original Claim 1 and the limitations of Claim 11. For the same reasons, no new matter was added.

The disclosure by Smith et al. discloses a lever not enclosed by the parking brake cartridge (see figure 2). Entry of the new Claims 11 and 13, and favorable consideration thereof is earnestly requested. Applicant respectfully submits that Claims 11 and 13 are in condition for allowance.

New Claim 12 includes the limitation that a number of pull rods are clamped between the frame and the cover without passing through the house. No new matter is added by the Claim as it is illustrated in Figure 2 and described in paragraph [00020] of the specification. Paragraph [00020] has also been amended to more clearly describe how Figure 2 illustrates that the pull rods clamp the frame to the cover without passing through the house. New independent Claim 14 includes the limitations of original Claim 1 and the limitations of Claim 12. For the same reasons, no new matter was added.

The patent to Smith et al. discloses bolts which pass through the parking brake cartridge (see Col. 2, ll. 41-44). Entry of the new Claims 12 and 14, and favorable consideration thereof is earnestly requested. Applicant respectfully submits that Claims 12 and 14 are in condition for allowance.

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For the reasons described above, Applicant respectfully submits that all pending Claims, Claim 1-14 are in condition for allowance.

Respectfully submitted,



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